

WIGGIN & DANA LLP  
450 Lexington Avenue  
Suite 3800  
New York, NY 10017-3914  
212-490-1700  
Joseph G. Grasso  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEW STREAM COMMERCIAL FINANCE,  
LLC,

Plaintiff,

-against-

STAR OF AMERICA, O.N. 973452,  
her engines, tackle, gear and appurtenances, etc.,  
*in rem*; MAJESTIC STAR, O.N. 1100715, her  
engines, tackle, gear and appurtenances, etc.,  
*in rem*; Majestic Voyages, Inc., *in personam*;  
and Majestic Star, Inc., *in personam*,

## Defendants

Civ. No. 08 CV 3171 (AKH)  
(In Admiralty)

PLAINTIFF NEW STREAM  
COMMERCIAL FINANCE, LLC'S  
MOTION FOR INTERLOCUTORY  
SALE OF IN REM DEFENDANTS  
STAR OF AMERICA, O.N. 973452,  
AND MAJESTIC STAR, O.N.  
1100715

**PLAINTIFF NEW STREAM COMMERCIAL FINANCE, LLC'S MOTION FOR  
INTERLOCUTORY SALE OF IN REM DEFENDANTS STAR OF AMERICA, O.N.  
973452, AND MAJESTIC STAR, O.N. 1100715**

COMES NOW Plaintiff NEW STREAM COMMERCIAL FINANCE, LLC (“Plaintiff”),  
by and through its attorneys Wiggin & Dana LLP, and petitions this Honorable Court for an  
Order authorizing the immediate sale of *In Rem* Defendants STAR OF AMERICA, O.N.  
973452, and MAJESTIC STAR, O.N. 1100715, via auction conducted by the United States  
Marshal, Southern District of New York, in accordance with Local Admiralty Rule C.2.

This Motion is brought pursuant to Federal Rules of Civil Procedure, Supplemental Rule for Certain Admiralty and Maritime Claims E(9)(b), and Local Rules of Practice for the United States District Court for the Southern District of New York, Admiralty Rule C.2.

This Motion is based upon the Memorandum in Support of Motion, Affidavit of Steven Sanicola and Exhibits A & B thereto, Affidavit of Craig W. Wilson, and the record and files herein.

DATED: New York, New York, May 6, 2008

WIGGIN & DANA LLP

/s/ JOSEPH G. GRASSO  
JOSEPH G. GRASSO  
450 Lexington Avenue  
Suite 3800  
New York, NY 10017-3914  
212-490-1700

Attorneys for Plaintiff NEW STREAM  
COMMERCIAL FINANCE, LLC

WIGGIN & DANA LLP  
450 Lexington Avenue  
Suite 3800  
New York, NY 10017-3914  
212-490-1700  
Joseph G. Grasso  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

NEW STREAM COMMERCIAL FINANCE,  
LLC,

Plaintiff,

-against-

STAR OF AMERICA, O.N. 973452,  
her engines, tackle, gear and appurtenances, etc.,  
*in rem*; MAJESTIC STAR, O.N. 1100715, her  
engines, tackle, gear and appurtenances, etc.,  
*in rem*; Majestic Voyages, Inc., *in personam*;  
and Majestic Star, Inc., *in personam*,

Defendants

---

Civ. No. 08 CV 3171 (AKH)  
(In Admiralty)

NOTICE OF HEARING;  
PLAINTIFF NEW STREAM  
COMMERCIAL FINANCE, LLC'S  
MOTION FOR INTERLOCUTORY  
SALE OF IN REM DEFENDANTS  
STAR OF AMERICA, O.N. 973452,  
AND MAJESTIC STAR, O.N.  
1100715; MEMORANDUM IN  
SUPPORT OF MOTION;  
AFFIDAVIT OF STEVEN  
SANICOLA AND EXHIBITS  
A & B THERETO;  
AFFIDAVIT OF CRAIG W.  
WILSON; CERTIFICATE OF  
SERVICE

HEARING

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

JUDGE \_\_\_\_\_

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that Plaintiff NEW STREAM COMMERCIAL FINANCE, LLC'S ("Plaintiff") MOTION FOR INTERLOCUTORY SALE OF IN REM DEFENDANTS STAR OF AMERICA, O.N. 973452, AND MAJESTIC STAR, O.N. 1100715 shall come before the Honorable Alvin K. Hellerstein, Judge of the above entitled Court, in his courtroom in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on \_\_\_\_\_, at \_\_\_\_\_, or as soon thereafter as counsel may be heard.

DATED: New York, New York, May 6, 2008

WIGGIN & DANA LLP

/s/ JOSEPH G. GRASSO  
JOSEPH G. GRASSO  
450 Lexington Avenue  
Suite 3800  
New York, NY 10017-3914  
212-490-1700

Attorneys for Plaintiff NEW STREAM  
COMMERCIAL FINANCE, LLC